

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.2937 OF 2014**

Vasant M. Patil

...Petitioner.

versus

The State of Maharashtra and another

..Respondents.

.....
Ms. Vrushali Maindad i/b Mr. M.R. Desai for the Petitioner.

Mr. P.G. Sawant, AGP for the State.

.....
**CORAM : NARESH H. PATIL &
A.S. GADKARI, JJ.****9th February, 2015.****P.C.(Per A.S. Gadkari, J. :**

The Petitioner by this Petition has challenged the order dated 2nd July, 2013 passed by the Maharashtra Administrative Tribunal, Mumbai in Miscellaneous Application No.267 of 2011 thereby dismissing his application for condonation of delay.

2. The Petitioner had preferred Original Application No.602 of 2013 before the Maharashtra Administrative Tribunal, thereby seeking parity in pay scale with that of the post of Agricultural Assistant of Agricultural Department. The Petitioner was working as Senior Survey Assistant in the Irrigation Department. In the Original Application apart from seeking benefits of parity, the Petitioner had also claimed for the benefits of the Fourth Pay Commission from 1st January, 1986, Fifth Pay Commission from 1st January, 1996 and Sixth Pay Commission

from 1st January, 2006. He also sought reliefs thereby seeking difference in pay as well as consequential benefits in pension. The Petitioner retired from service as Senior Survey Assistant on 30th June, 2007. Original Application No.602 of 2013 was filed by the Petitioner on 22nd June 2011 before the Maharashtra Administrative Tribunal, Mumbai. The Petitioner has also filed an application for condonation of delay bearing Miscellaneous Application No.267 of 2011 thereby praying for condonation of delay of about 25 years caused in filing Original Application No.602 of 2013. The Tribunal has dismissed the said Miscellaneous Application No.267 of 2011 on the ground of gross delay.

3. Heard the learned counsel appearing for the Petitioner and the learned AGP. We have perused the record produced before us by the Petitioner. We have also perused the pleadings in Miscellaneous Application No.267 of 2011 and the pleadings in the present Petition. The Petitioner has utterly failed in explaining the gross and inordinate delay of 25 years in approaching the Tribunal. The facts on record clearly demonstrate that the Petitioner was totally lethargic in agitating his rights and in the circumstances, there is an inordinate delay of 25 years in approaching the Tribunal. As stated above, the said delay is not only inordinate and gross, but the Petitioner has clearly failed to explain the delay caused in the process. We are of the

considered view that the Tribunal has rightly rejected Miscellaneous Application No.267 of 2011 and there is no error at all in the impugned order passed by the Tribunal.

4. For the reasons stated above, we refuse to exercise our extraordinary jurisdiction under Article 226 of the Constitution of India. The Petition is accordingly summarily dismissed.

(Naresh H. Patil, J.)

(A.S. Gadkari, J.)